

**Introduced by Senator Hernandez**

February 24, 2012

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An act to amend Section 2836.1 of the Business and Professions Code, relating to nurse practitioners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1524, as introduced, Hernandez. Nurse practitioners.

Existing law, the Nursing Practice Act, provides for licensing and regulation of nurse practitioners. Existing law authorizes a nurse practitioner to furnish or order drugs or devices under specified circumstances subject to physician and surgeon supervision, including, among other things, when a nurse practitioner has completed specified supervised experience of at least 6 months' duration and a course in pharmacology.

This bill would delete the requirement for supervised experience and a pharmacology course.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 2836.1 of the Business and Professions
- 2     Code is amended to read:
- 3     2836.1. Neither this chapter nor any other provision of law
- 4     shall be construed to prohibit a nurse practitioner from furnishing
- 5     or ordering drugs or devices when all of the following apply:
- 6     (a) The drugs or devices are furnished or ordered by a nurse
- 7     practitioner in accordance with standardized procedures or
- 8     protocols developed by the nurse practitioner and the supervising

1 physician and surgeon when the drugs or devices furnished or  
2 ordered are consistent with the practitioner's educational  
3 preparation or for which clinical competency has been established  
4 and maintained.

5 (b) The nurse practitioner is functioning pursuant to standardized  
6 procedure, as defined by Section 2725, or protocol. The  
7 standardized procedure or protocol shall be developed and  
8 approved by the supervising physician and surgeon, the nurse  
9 practitioner, and the facility administrator or the designee.

10 (c) (1) The standardized procedure or protocol covering the  
11 furnishing of drugs or devices shall specify which nurse  
12 practitioners may furnish or order drugs or devices, which drugs  
13 or devices may be furnished or ordered, under what circumstances,  
14 the extent of physician and surgeon supervision, the method of  
15 periodic review of the nurse practitioner's competence, including  
16 peer review, and review of the provisions of the standardized  
17 procedure.

18 (2) In addition to the requirements in paragraph (1), for Schedule  
19 II controlled substance protocols, the provision for furnishing  
20 Schedule II controlled substances shall address the diagnosis of  
21 the illness, injury, or condition for which the Schedule II controlled  
22 substance is to be furnished.

23 (d) The furnishing or ordering of drugs or devices by a nurse  
24 practitioner occurs under physician and surgeon supervision.  
25 Physician and surgeon supervision shall not be construed to require  
26 the physical presence of the physician, but does include (1)  
27 collaboration on the development of the standardized procedure,  
28 (2) approval of the standardized procedure, and (3) availability by  
29 telephonic contact at the time of patient examination by the nurse  
30 practitioner.

31 (e) For purposes of this section, no physician and surgeon shall  
32 supervise more than four nurse practitioners at one time.

33 (f) (1) Drugs or devices furnished or ordered by a nurse  
34 practitioner may include Schedule II through Schedule V controlled  
35 substances under the California Uniform Controlled Substances  
36 Act (Division 10 (commencing with Section 11000) of the Health  
37 and Safety Code) and shall be further limited to those drugs agreed  
38 upon by the nurse practitioner and physician and surgeon and  
39 specified in the standardized procedure.

(2) When Schedule II or III controlled substances, as defined in Sections 11055 and 11056, respectively, of the Health and Safety Code, are furnished or ordered by a nurse practitioner, the controlled substances shall be furnished or ordered in accordance with a patient-specific protocol approved by the treating or supervising physician. A copy of the section of the nurse practitioner's standardized procedure relating to controlled substances shall be provided, upon request, to any licensed pharmacist who dispenses drugs or devices, when there is uncertainty about the nurse practitioner furnishing the order.

~~(g) (1) The board has certified in accordance with Section 2836.3 that the nurse practitioner has satisfactorily completed (1) at least six month's physician and surgeon-supervised experience in the furnishing or ordering of drugs or devices and (2) a course in pharmacology covering the drugs or devices to be furnished or ordered under this section.~~

~~(2)~~

(g) Nurse practitioners who are certified by the board and hold an active furnishing number, who are authorized through standardized procedures or protocols to furnish Schedule II controlled substances, and who are registered with the United States Drug Enforcement Administration, shall complete, as part of their continuing education requirements, a course including Schedule II controlled substances based on the standards developed by the board. The board shall establish the requirements for satisfactory completion of this subdivision.

(h) Use of the term "furnishing" in this section, in health facilities defined in Section 1250 of the Health and Safety Code, shall include (1) the ordering of a drug or device in accordance with the standardized procedure and (2) transmitting an order of a supervising physician and surgeon.

(i) "Drug order" or "order" for purposes of this section means an order for medication which is dispensed to or for an ultimate user, issued by a nurse practitioner as an individual practitioner, within the meaning of Section 1306.02 of Title 21 of the Code of Federal Regulations. Notwithstanding any other provision of law, (1) a drug order issued pursuant to this section shall be treated in the same manner as a prescription of the supervising physician; (2) all references to "prescription" in this code and the Health and Safety Code shall include drug orders issued by nurse practitioners;

- 1 and (3) the signature of a nurse practitioner on a drug order issued
- 2 in accordance with this section shall be deemed to be the signature
- 3 of a prescriber for purposes of this code and the Health and Safety
- 4 Code.

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